

CLARK COUNTY STAFF REPORT

DEPARTMENT: Public Works, Parks and Lands Division

DATE: December 1, 2020

REQUESTED ACTION: Approve a resolution to 1) accept a quit claim deed transferring a 4.0-acre parcel from Andrew J Warner and Debbie Erickson-Warner to Clark County, and 2) execute a quit claim deed transferring a 2.88-acre parcel from Clark County to Andrew J. Warner and Debbie Erickson-Warner.

 X Consent Hearing County Manager

BACKGROUND

On March 28, 2017, the Clark County Council approved Staff Report No. 072-17 authorizing staff to pursue a land trade between Clark County, Erickson Farm Properties, LLC, and Andrew J. Warner and Debbie Erickson-Warner. The goal of the land trade was to consolidate public ownership of land around Vancouver Lake, with the future goal of developing a public trail loop around the lake.

Since the original approval of Staff Report No. 072-17, Clark County accepted dedication of a 7.42-acre parcel (Parcel No. 188669-000) and approved Boundary Line Adjustment 2017-00058, creating an adjusted 2.88-acre parcel for conveyance to Andrew J. and Debbie Erickson-Warner. In April 2020, Erickson Farm Properties, LLC transferred the interest in Parcel No. 188676-000 to Andrew J. and Debbie Erickson-Warner to facilitate the exchange.

During detailed review of the land trade, it was determined that the legal description for Parcel No. 188676-000 encompasses four acres, not the seven acres referenced in the legal description of the parcel and the county's geographic information system (GIS). Land shown as part of Parcel No. 188676-000 in the county's GIS system that is lake-ward of the Vancouver Lake meander line are dredge spoils from the Vancouver Lake and Flushing Channel Spoil Disposal project. These are considered tidelands and are managed by the Port of Vancouver. Prior to proceeding with the land trade, the Warner's and Clark County negotiated an easement from the Port to ensure that trail access over the tidelands is permitted.

The requested action would complete the land exchange by transferring Parcel No. 188676-000 from Andrew J. and Debbie Erickson-Warner to Clark County, and transferring an adjusted 2.88-acre parcel from Clark County to Andrew J. and Debbie Erickson-Warner. Property acquired by the county as part of this land exchange will be managed through the Legacy Lands program. Maintenance expenses will be minimal and funded through Conservation Futures.

COUNCIL POLICY IMPLICATIONS

Requested action is consistent with council policy and the land exchange was previously approved under Staff Report No. 072-17.

ADMINISTRATIVE POLICY IMPLICATIONS

Once the quit claim deeds are signed and accepted, staff will submit them for recording, along with Boundary Line Adjustment 2017-00058. Budget for the maintenance of the newly acquired property is already approved in the 2020 budget.

COMMUNITY OUTREACH

None.

BUDGET IMPLICATIONS

YES	NO	
X		Action falls within existing budget capacity.
	X	Action falls within existing budget capacity but requires a change of purpose within existing appropriation
	X	Additional budget capacity is necessary and will be requested at the next supplemental. If YES, please complete the budget impact statement. If YES, this action will be referred to the county council with a recommendation from the county manager.

BUDGET DETAILS

Local Fund Dollar Amount	\$700
Grant Fund Dollar Amount	N/A
Account	3085 Conservation Futures
Company Name	N/A

DISTRIBUTION:

Board staff will post all staff reports to the web. <http://www.clark.wa.gov/council-meetings>

ATTACHEMENTS: (1) Resolution; (2) – Quit Claim Deed for Parcel No. 188676-000; (3) Quit Claim Deed for Parcel No. 188680-000; and (4) Boundary Line Adjustment BLA2017-00058

Galina Burley

Galina Burley, MPA
Parks and Lands Division Manager

Ahmad Qayoumi

Ahmad Qayoumi, PE
Public Works Director/County Engineer

Eva Haney

Eva Haney, CGFM
Finance Division Manager

Primary Staff Contact: Pat Lee, Ext. 1652

APPROVED: _____
CLARK COUNTY, WASHINGTON
COUNTY COUNCIL

DATE: _____

SR#: _____

CLARK COUNTY, WASHINGTON
RESOLUTION NO. _____

IN THE MATTER OF COUNTY ACCEPTANCE OF A QUIT CLAIM DEED FROM ANDREW J. WARNER AND DEBBIE ERICKSON-WARNER, AND COUNTY EXECUTION OF A QUIT CLAIM DEED FROM CLARK COUNTY TO ANDREW J. WARNER AND DEBBIE ERICKSON-WARNER

WHEREAS, the County Council, Clark County, WA is in regular session this _____ day of _____, 2020, and

WHEREAS, it appears to the council that the best interests of Clark County will be served by the execution of the following documents:

Documents

1. Quit Claim Deed
Lot 21 OF SEC 32 T3NR1EWM

Data

FROM: Andrew J. Warner and Debbie Erickson-Warner
TO: Clark County
CONSIDERATION: Mutual Benefits

2. Quit Claim Deed
Adjusted Tax Lot 26 SEC 32 T3NR1EWM

FROM: Clark County
TO: Andrew J. Warner and Debbie Erickson-Warner
CONSIDERATION: Mutual Benefits

NOW THEREFORE, IT IS HEREBY RESOLVED that the above mentioned documents be executed by the County Council and then be recorded and filed.

IT IS FURTHER RESOLVED that Boundary Line Adjustment 2017-00058 be recorded and filed.

IT IS FURTHER RESOLVED that copies of this Resolution be filed with the County Auditor, County Engineer and in the records of the County Council.

ATTEST:

APPROVED AS TO FORM ONLY
Anthony F. Golik, Prosecuting Attorney

Clerk of the Council

By: Bill Richardson
Bill Richardson, Deputy Civil Prosecutor

COUNTY COUNCIL FOR
CLARK COUNTY, WAHSINGTON

Eileen Quiring, Chair

Temple Lentz, District 1

Julie Olson, District 2

John Blom, District 3

Gary Medvigy, District 4

Recording requested by:
Clark County Public Works
Real Property Services
P.O. Box 9810
Vancouver, WA 98666-9810

Document Title: Quit Claim Deed
Grantors: Andrew J. Warner and Debbie Erickson Warner
Grantee: Clark County, Washington
Legal Description: Adjusted tax lot 21, Township 3 North, Range 1 East, Section 32
Serial #: 188676-000

Quit Claim Deed

The Grantors, **Andrew J. Warner and Debbie Erickson-Warner**, for good and valuable consideration as set out in part below, conveys and quit claims to **Clark County**, a political subdivision of the State of Washington, any interest they have in the following described real estate situated in the County of Clark, State of Washington, to wit:

**SEE LEGAL DESCRIPTION ATTACHED HERETO, WHICH,
BY THIS REFERENCE, IS INCORPORATED HEREIN**

It is understood and agreed that the delivery of this deed is hereby tendered and the terms and obligations hereof shall not become binding upon Clark County, until this document is approved by the County Council, Clark County, Washington.

Clark County, by accepting and recording this deed, hereby warrants that the below written condition and consideration applies. No other condition or consideration will be honored by Clark County.

Considerations: Land Exchange per CCC 2.33A.180

Dated this _____ day of _____, 2020.

APPROVED AS TO FORM ONLY
Anthony F. Golik, Prosecuting Attorney

By: Bill Richardson
Bill Richardson
Deputy Civil Prosecutor

Approved for recording:
COUNTY COUNCIL
CLARK COUNTY, WASHINGTON

ANDREW J. WARNER
DEBBIE ERICKSON-WARNER

Eileen Quiring, Chair

By: Andrew J. Warner
Andrew J. Warner

Temple Lentz, District 1

By: Debbie Erickson-Warner
Debbie Erickson-Warner

Julie Olson, District 2

John Blom, District 3

Gary Medvigy, District 4

STATE OF WASHINGTON

COUNTY OF CLARK

I certify that I know or have satisfactory evidence that Andrew J. Warner and Debbie Erickson-Warner are the persons who appeared before me, and said persons acknowledged that they signed this instrument, on oath stated that they are authorized to execute the instrument and acknowledged it to be the free and voluntary act and deed of such parties for the uses and purposes therein mentioned in the instrument.

Dated

4/21/2020

Lauryn Hull
Notary Public in and for the State of WA

Residing at

CLARK

My commission expires:

12/5/22



EXHIBIT “A”
Legal Description for AP #188676-000

Beginning at the meander corner which is the intersection of South line of Powley Donation Land Claim, a meander line of Vancouver Lake in Section 32, Township 3 North, Range 1 East of the Willamette Meridian; Thence South 32° East 716.1 feet; Thence South 620 feet to a point which is Point of Beginning of the following tract;

Thence South and tracing meander line of Vancouver Lake 40 feet to meander corner;

Thence South 61° 15' East and tracing meander line 2016.96 feet to the right of way line of the Oregon and Washington Railway;

Thence Northwesterly and tracing the right of way line of the Oregon and Washington Railway to its intersection with division line of a 14 acre tract formerly owned by Sohns and Schuele;

Thence Westerly and tracing said division line, 610 feet to the Point of Beginning, containing seven (7) acres more or less.

together with an ingress/egress use easement running with the land across Port of Vancouver USA owned tidelands, recording #5695148 EAS dated: 1/23/2020,

Recording requested by:
Clark County Public Works
Real Property Services
P.O. Box 9810
Vancouver, WA 98666-9810

Document Title: Quit Claim Deed
Grantor: Clark County, Washington
Grantee: Andrew J. Warner and Debbie Erickson-Warner
Legal Description: Adjusted tax lot 26, Township 3 North, Range 1 East, Section 32
Serial #: 188680-000

QUIT CLAIM DEED

THE GRANTOR, **Clark County**, a political subdivision of the State of Washington, for good and valuable consideration as set out in part below, conveys and quit claims to **Andrew J. Warner and Debbie Erickson-Warner**, husband and wife, any interest it has in the following described real estate situated in the County of Clark, State of Washington, to wit:

SEE LEGAL DESCRIPTION ATTACHED HERETO, WHICH, BY THIS REFERENCE, IS INCORPORATED HEREIN

It is understood and agreed that this deed is hereby tendered and the terms and obligations hereof shall not become binding upon Clark County, until this document is approved by the County Council, Clark County, Washington.

Clark County, by approving and recording this deed, hereby warrants that the below written conditions and considerations apply. No other condition or consideration will be honored by Clark County.

CONSIDERATIONS: Land Exchange per CCC 2.33A.180.

1. Tax lot AP #188680-000, as adjusted through Boundary Line Adjustment 2017-00058, was set aside as a non-buildable open space tract through PLD 2005-00037/PUD 2005-00003 and shall remain a non-buildable open space tract.
2. Clark County's grant of deed is contingent upon Andrew J. Warner and Debbie Erickson-Warner granting a deed to AP #188676-000 to Clark County.

Quit Claim Deed
Serial #: 188680-000

Dated this _____ day of _____, _____.

GRANTOR:
COUNTY COUNCIL
CLARK COUNTY, WASHINGTON

APPROVED AS TO FORM, ONLY
Anthony F. Golik
Prosecuting Attorney

By: _____
Eileen Quiring, Chair

By: Bill Richardson
Bill Richardson
Deputy Civil Prosecutor

By: _____
Temple Lentz, Councilor

By: _____
Julie Olson, Councilor

By: _____
John Blom, Councilor

By: _____
Gary Medvigy, Councilor

STATE OF WASHINGTON
COUNTY OF CLARK

On this _____ day of _____, 20_____, before me personally

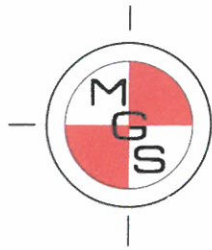
appeared _____
to me known to be the duly elected, qualified and acting County Councilors(s) of Clark County, Washington, who executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of Clark County, for the uses and purposes therein mentioned, and on oath stated that he/she/they is/are authorized to execute said instrument by resolution of the County Council, Clark County, Washington and that the seal affixed is the official seal of Clark County.

Dated _____

Notary Public in and for the State of WA

Residing at _____

My commission expires: _____



MINISTER-GLAESER SURVEYING INC.

*Vancouver Office – 2200 E. Evergreen Blvd., Vancouver, Washington 98661
(360) 694-3313 (360) 694-8410 FAX
Pasco Office – 6303 Burden Blvd. Suite E, Pasco, Washington 99301
(509) 544-7802 (509) 544-7862 FAX*

July 7, 2017

EXHIBIT “A”

A parcel of land in a portion of the Northeast quarter of the Southeast quarter and the Northwest quarter of the Southeast quarter Section 32, Township 3 North, Range 1 East, Willamette Meridian, Clark County, Washington, described as follows:

Beginning at the Northwest corner of that parcel of land Quit Claimed to Clark County by Quit Claim Deed recorded under Auditor's file no. 5415544 D, records of Clark County, Washington;

Thence the following courses and distances along the North line of said parcel of land:

Thence North 89°39'03" East, for a distance of 115.82 feet;

Thence South 00°12'23" East, for a distance of 25.00 feet;

Thence North 89°39'03" East, for a distance of 217.00 feet;

Thence South 00°12'23" East, for a distance of 41.50 feet;

Thence North 89°39'03" East, for a distance of 139.00 feet;

Thence South 60°52'29" East, for a distance of 302.01 feet;

Thence North 89°39'03" East, for a distance of 20.09 feet;

Thence South 82°02'57" East, for a distance of 117.04 feet;

Thence leaving said North line South 03°37'21" West, for a distance of 20.00 feet;

Thence North 89°25'29" West, for a distance of 114.53 feet;

Thence South 59°56'38" West, for a distance of 152.26 feet to a point on an easement to Clark County for the purpose of access, stormwater and appurtenances;

Thence North 80°08'32" West, for a distance of 255.35 feet to the Easterly line of a 50 foot wetland buffer;

Thence North 31°01'50" West, along said Easterly line, for a distance of 50.24 feet to an angle point in Said Easterly line;

Thence North 56°48'27" West, along said Easterly line, for a distance of 35.34 feet to an angle point in Said Easterly line;

Thence North 50°33'42" West, along said Easterly line, for a distance of 11.63 feet;

Thence South 46°17'45" West, for a distance of 88.97 feet to the Railroad Easterly Right-of-Way;

Thence along said Easterly line along the arc of a 8519.37 foot radius curve to the right, the long chord of which bears North 42°10'44" West, for a chord distance of 347.80 feet, through a central angle of 2°20'21", for an arc distance of 347.82 feet;

Thence continuing along said Easterly line North 41°00'33" West, for a distance of 15.88 feet the **POINT OF BEGINNING**;

Containing 2.88 acres.

Together with and subject to easements, reservations, covenants and restrictions apparent or of record.



Boundary Line Adjustment

Project Name: Warner/Clark Boundary Line Adjustment

Case Number: BLA2017-00058

Location: The site lies east of Vancouver Lake, South of NW 106th Street, and West of NW Lakeshore Avenue at 3613 NW 106th Street, Vancouver, WA 98685.

Legal Description: Tax lots 45, (188696-000), 12, (188680-000), & 26, (188680-000), located in the SE quarter of Section 32; Township 3 North, Range 1 East, of the Willamette Meridian.

Request: The applicant requests that Clark County recognize a proposed boundary line adjustment of tax lots 45, 12, & 26 as being in compliance with applicable platting law and zoning requirements.

Applicant: Patrick Lee
c/o Clark County Legacy Lands Program
1300 Franklin Street
Vancouver, WA 98666
Pat.lee@clark.wa.gov

Owners: Clark County
1300 Franklin Street
Vancouver, WA 98666

Andrew & Debbie Warner
3801 NW 106th Street
Vancouver, WA 98685

Planner: Bryan Mattson Phone Extension: 4913

Email: Bryan.mattson@clark.wa.gov

Staff initials: _____



Date Mailed: December 22nd, 2017

Revised 03/16/2016



Community Development
1300 Franklin Street, Vancouver, Washington
Phone: (360) 397-2375 Fax: (360) 397-2011
www.clark.wa.gov/development



For an alternate format,
contact the Clark County
ADA Compliance Office.
Phone: (360)397-2322
Relay: 711 or (800) 833-6384
E-mail: ADA@clark.wa.gov

Analysis

A boundary line adjustment (BLA) is a division made for adjusting boundary lines that does not create any additional lot, tract, parcel, site or division nor create any lot, tract, parcel, or division, which contains insufficient area and dimension to meet the minimum requirements for width and area for a building site.

Clark County code (CCC 40.520.010) requires that applications for development review on parcels that are not part of a platted land division be reviewed for compliance with applicable platting and zoning laws.

A complete analysis was conducted to determine if the proposed boundary line adjustment meets the approval criteria identified in (CCC 40.540.010) and to determine if the parcels identified above were created in compliance with all applicable platting and zoning laws in effect at the time of their creation. The following issues, because of their significance, are discussed in detail:

Lot of Record Findings:

1. A legal lot of record is a lot which was in compliance with both the platting, if applicable, and zoning laws in existence when the parcel was originally created or segregated or which is otherwise determined to be consistent with the criteria of CCC 40.520.010(E). Owners of such lots shall be eligible to apply for building permit or other County development review, pursuant to County code.
2. Tax lot 45 was created by Warranty Deed G213747 dated 2/20/1957, (later rerecorded to correct the legal description on 5/2/1957), as an approximately .94 acre parcel. This conveyance predated platting law and zoning size requirements and can therefore be recognized as a legally created lot. Exhibit "B" indicates the legally recognized configuration at that time.
3. Tax lot 12 was previously recognized as a single legal lot of record by Clark County during the fully complete review of Erickson Farms Planned Unit Development, (PUD), and dated 5/11/2005. Exhibit "B" indicates the legally recognized configuration at that time.
4. Tax lot 26 was previously recognized as a single legal lot of record by Clark County during the same fully complete review of Erickson Farms PUD. Exhibit "B" indicates the legally recognized configuration at that time.

Boundary Line Adjustment Findings:

5. Tax lot 45 was reconfigured in 2003 by a 7-lot Boundary Line Adjustment Agreement and Declaration of Easement AF#3630878. Based on Assessor records and historic mapping, 5 of the other lots, (tax lots 46, 37, 40, 78, 38/48 combined), were created prior to 1965, and a sixth lot, (tax lot 62) was deemed legal by Clark County through the issuance of a building permit in 1971. Because all 7 lots were legal lots of record, no additional lots were created, and no lot became non-conforming in regards to size requirements of the R1-7.5 zone, Clark

County can recognize this adjustment as being a legal configuration at that time. Exhibit "C" indicates the 2003 adjusted configuration.

6. The plat of Erickson Farms PUD Phase 1 was recorded 2/27/2013, which adjusted tax lot 12 into a tract serving as open space for the development and being subject to stormwater and access easements. Tax lot 12 was adjusted as part of the approval for the Planned Unit Development and is therefore recognized by Clark County as a legally configured lot. Exhibit "D" indicates this current configuration.
7. Tax lot 45 was then reconfigured again in 2013 by a portion of Boundary Line Adjustment Agreement AF#5030991 dated 11/15/2013. Tax lots 3, 26, and 36, (previously recognized as a single legal lots of record by Clark County during the fully complete review of Erickson Farms PUD), were adjusted with tax lot 45. Because all 4 lots were legal lots of record, no additional lots were created, and no lot became non-conforming in regards to size requirements of the R1-7.5 zone, Clark County can recognize this adjustment as being a legal configuration at that time. Exhibit "E" indicates the 2013 adjusted configuration.
8. The applicant's current proposal involves decreasing tax lot 12 from 7.42 acres to 4.54 acres, increasing tax lot 45 from 25,744 square feet to 34,270 square feet by extending the parcel in a southerly direction, and increasing tax lot 26 from 8,526 square feet to 2.88 acres by moving this parcel along the southerly border with tax lots 46, 37, 40, and 38/48 combined to the northeasterly edge of the railroad right-of-way. Exhibit "F" indicates the current configuration of these lots and Exhibit "A" indicates the proposed configuration.
9. Tax lot 12 is currently subject to open space requirements per the approval of Erickson Farms PUD. This boundary line adjustment does not relieve any future portion of tax lot 26 from the active restrictions in place on this land and does not change view easements, wetland delineations and buffers, Conservation Covenants, or access and stormwater easements currently in place, (*See Condition of Approval 8*). Per the Express Clark County Council Intent Staff Report dated 3/28/2017, this adjustment is only for the enlargement of an abutting parcel and does not qualify adjusted tax lot 26 as a separate buildable lot.
10. The proposed adjustment does not cause any setback violations and does not cause any residential utilities to be separated from the lot it serves. Because the adjustment does not violate any setbacks, does not create any additional lots, and does not result in a non-conformity in regards to the R1-7.5 zoning size requirements, Clark County can recognize the adjustment as in compliance with platting and zoning standards.

Decision

Based upon the above review, Clark County recognizes the proposed adjustment for tax lots 12, (188669-000), 26, (188680000), and 45, (188696-000), as separate legally configured lots of record as shown in Exhibit "A".

Conditions of Approval

If the following conditions of approval are not met this decision shall become null and void, and Clark County may not recognize the subject properties as legal lots of record or grant permits for building or other development.

1. Nothing in this decision shall be construed to permit violation of regulations for any other requirements not mentioned in this report, and neither grants nor denies any specific use for this given property.
2. This determination is based upon the Zoning Code in effect when this request was submitted to the County and does not cover matters of record or survey not received.
3. This determination does not cover the issuance of a building permit, which is subject to further review.
4. The subject parcels were reviewed for compliance with lot of record criteria based on the zoning and platting regulations in effect at the time of their creation.
5. This determination shall not be construed to be a review of either parcel for suitability as a building site.
6. The adjustment cannot cause any utilities to become separated from the parcel in which they serve and cannot violate setbacks for any existing structures.
7. This approval does not accomplish the adjustment. In order to accomplish the adjustment the applicant must record a boundary line adjustment with the Clark County Auditor's Office.
8. **Tax lot 12 is currently subject to open space requirements per the approval of Erickson Farms PUD. This boundary line adjustment does not relieve any future portion of tax lot 26 from the active restrictions in place on this land and does not change view easements, wetland delineations and buffers, Conservation Covenants, or access and stormwater easements currently in place, (See Finding 9). Per the Express Clark County Council Intent Staff Report dated 3/28/2017, this adjustment is only for the enlargement of an abutting parcel and does not qualify adjusted tax lot 26 as a separate buildable lot.**

Appeal Procedures

Note: The Permit Services Manager reserves the right to provide additional comment and findings of fact regarding this decision, if appealed. An appeal of any aspect of this decision, and any required mitigation measures, may be appealed to the County Hearing Examiner by any interested party. A "Party of Record" includes the applicant and those individuals who

submitted written testimony to the Permit Services Manager within the designated comment period.

The appeal shall be filed with the Community Development Department, Permit Services Division, within fourteen (14) calendar days after the date the notice of final land use decision is mailed to parties of record. This decision was mailed on December 22nd, 2017. Therefore; any appeal must be received in this office by January 5th, 2018 by 3:00 PM.

Appeal Filing Deadline
Date: January 5th, 2018

Any appeal of final land use decisions shall be in writing and contain the following information:

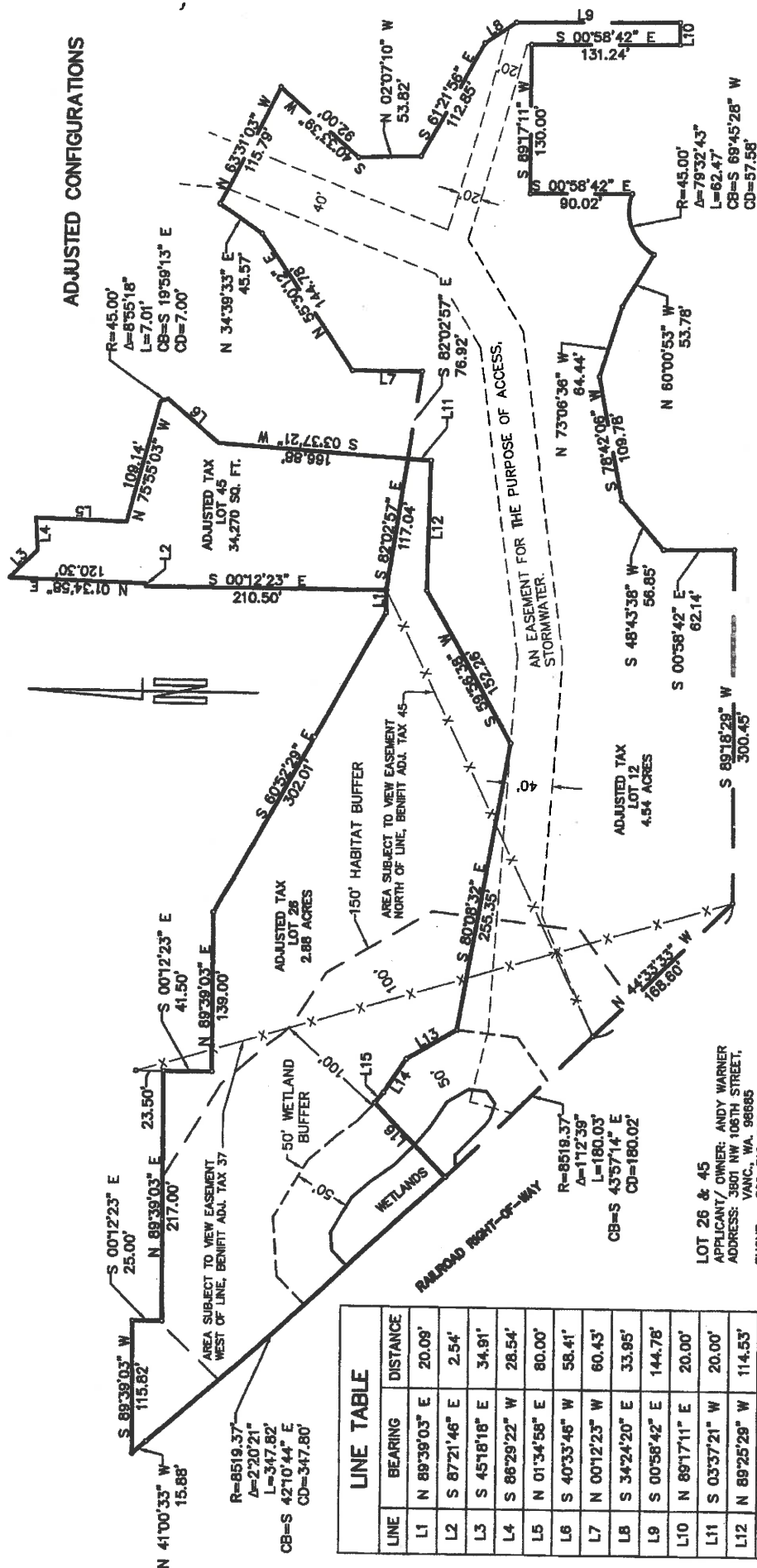
1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.020(E)(1) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one (1) party as the contact representative for all contact with the responsible official. All contact with the responsible official regarding the petition, including notice, shall be with this contact representative;
3. The specific aspect(s) of the decision being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied on to prove the error; and

A fee of **\$1727** must accompany the appeal. Submit the appeal request and fee to the Development Services Application Counter, office hours are Monday thru Friday between 8:00 a.m. and 3:00 p.m., and Wednesday by appointment only, at the address below:

Appeal to the Clark County Hearings Examiner
Community Development Department, Permit Services Division
1300 Franklin Street / PO Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-6043

Attachments:	Exhibit "A"	Approved Configuration
	Exhibit "B"	Original 1957-2003 Configuration
	Exhibit "C"	2003 BLA Configuration
	Exhibit "D"	Recorded plat of Erickson Farms PUD Phase 1
	Exhibit "E"	2013 BLA Configuration
	Exhibit "F"	Current 2017 Configuration
	Exhibit "G"	Express Council Intent Staff Report

ADJUSTED CONFIGURATIONS



LEGEND:

— X — INDICATES VIEW EASEMENT LINE

Exhibit "A" Approved Configuration

LINE TABLE	
LINE	BEARING
L1	N 89°39'03" E
L2	S 87°21'46" E
L3	S 45°18'18" E
L4	S 86°29'22" W
L5	N 01°34'58" E
L6	S 40°33'45" W
L7	N 00°12'23" W
L8	S 34°24'20" E
L9	S 00°58'42" E
L10	N 89°17'11" E
L11	S 03°37'21" W
L12	N 89°25'28" W
L13	N 31°01'50" W
L14	N 56°48'27" W
L15	N 50°33'42" W
L16	N 46°17'45" E
	DISTANCE
	20.09'
	2.54'
	34.91'
	28.54'
	80.00'
	58.41'
	60.43'
	33.95'
	144.78'
	20.00'
	20.00'
	114.53'
	50.24'
	35.34'
	11.63'
	88.97'

LOT 26 & 45
APPLICANT/ OWNER: ANDY WARNER
ADDRESS: 3801 NW 106TH STREET,
VANC, WA. 98685
PHONE: 360-518-5984

LOT 12
APPLICANT/ OWNER: LEGACY LANDS CLARK COUNTY, WA.
CONTACT: PAT LEE
ADDRESS: 1300 FRANKLIN STREET
VANC, WA. 98680
PHONE: 360-397-2121 EXT. 4070

GEO PREFIX 311322

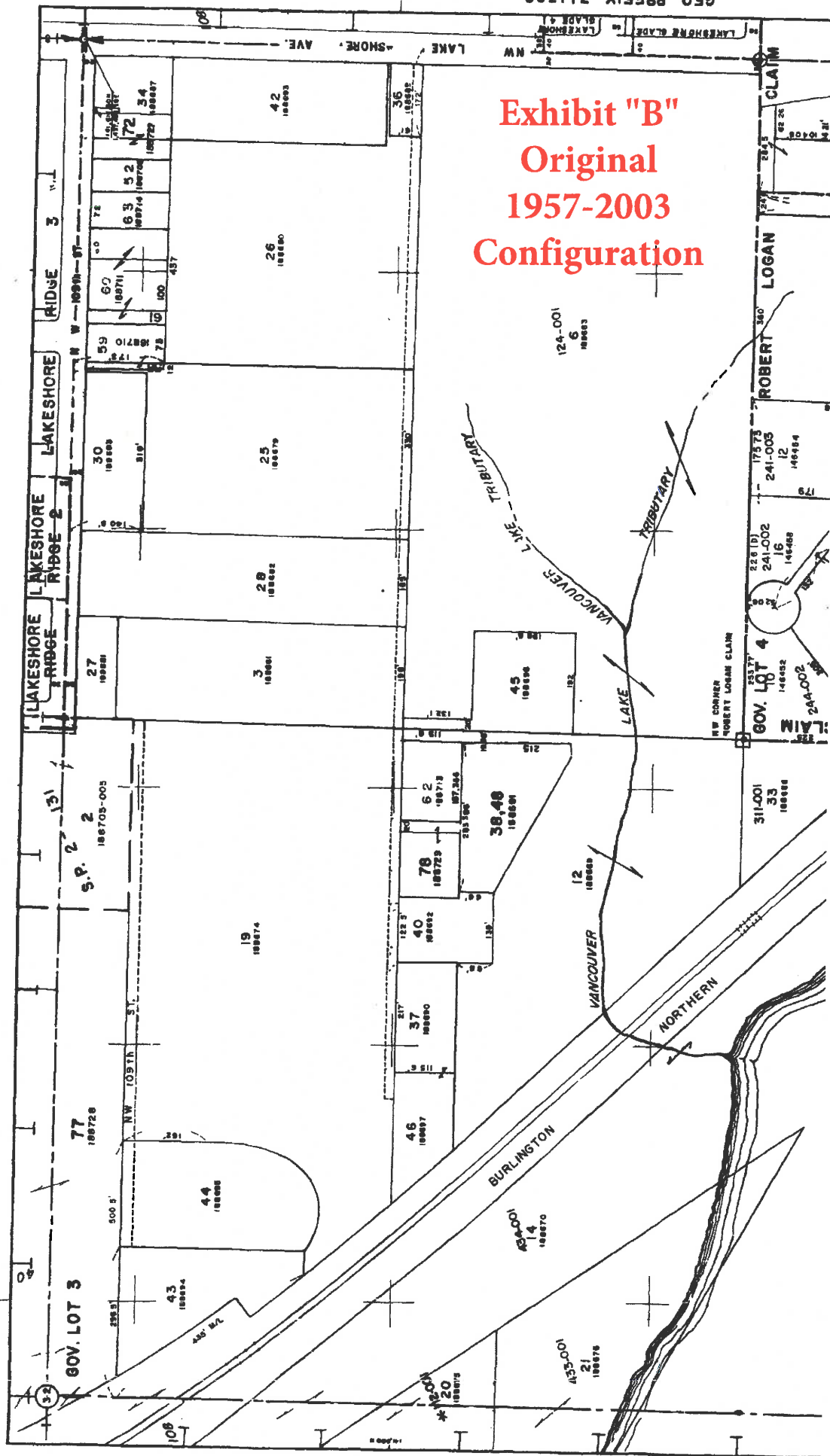
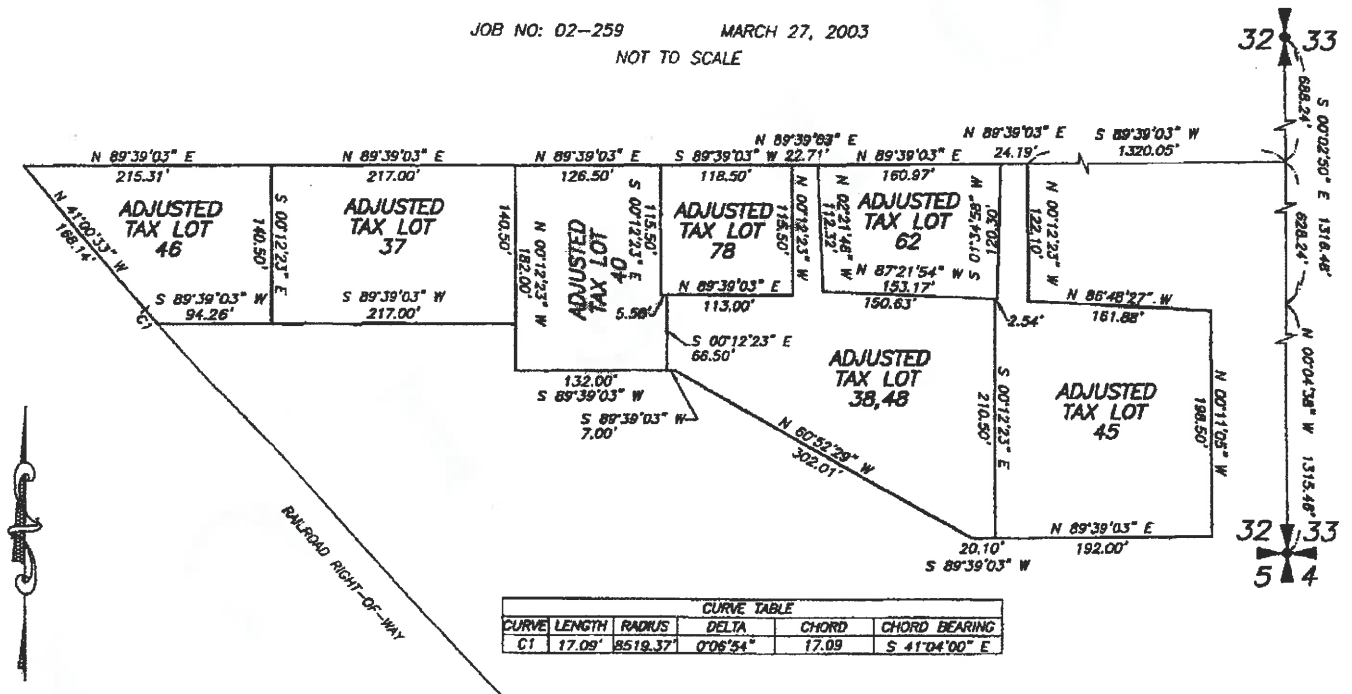


Exhibit "C" 2003 BLA Configuration

JOB NO: 02-259 MARCH 27, 2003
NOT TO SCALE



A SUBMISSION IN A PORTION OF
THE NE 1/4, SE 1/4 & THE
NW 1/4, SE 1/4 OF SECTION 32
T. 3 N., R. 1 E., W.M.,
CLARK COUNTY, WASHINGTON
JUN 14, 1968 DATE: SE-55-6913
SHEET 2 OF 3

[illegible]

LAME TABLE			
NO.	NAME	AGE	SEX
1	W. J. B. B. B.	27	M
2	W. J. B. B. B.	27	M
3	W. J. B. B. B.	27	M
4	W. J. B. B. B.	27	M
5	W. J. B. B. B.	27	M
6	W. J. B. B. B.	27	M
7	W. J. B. B. B.	27	M
8	W. J. B. B. B.	27	M
9	W. J. B. B. B.	27	M
10	W. J. B. B. B.	27	M
11	W. J. B. B. B.	27	M
12	W. J. B. B. B.	27	M
13	W. J. B. B. B.	27	M
14	W. J. B. B. B.	27	M
15	W. J. B. B. B.	27	M
16	W. J. B. B. B.	27	M
17	W. J. B. B. B.	27	M
18	W. J. B. B. B.	27	M
19	W. J. B. B. B.	27	M
20	W. J. B. B. B.	27	M
21	W. J. B. B. B.	27	M
22	W. J. B. B. B.	27	M
23	W. J. B. B. B.	27	M
24	W. J. B. B. B.	27	M
25	W. J. B. B. B.	27	M
26	W. J. B. B. B.	27	M
27	W. J. B. B. B.	27	M
28	W. J. B. B. B.	27	M
29	W. J. B. B. B.	27	M
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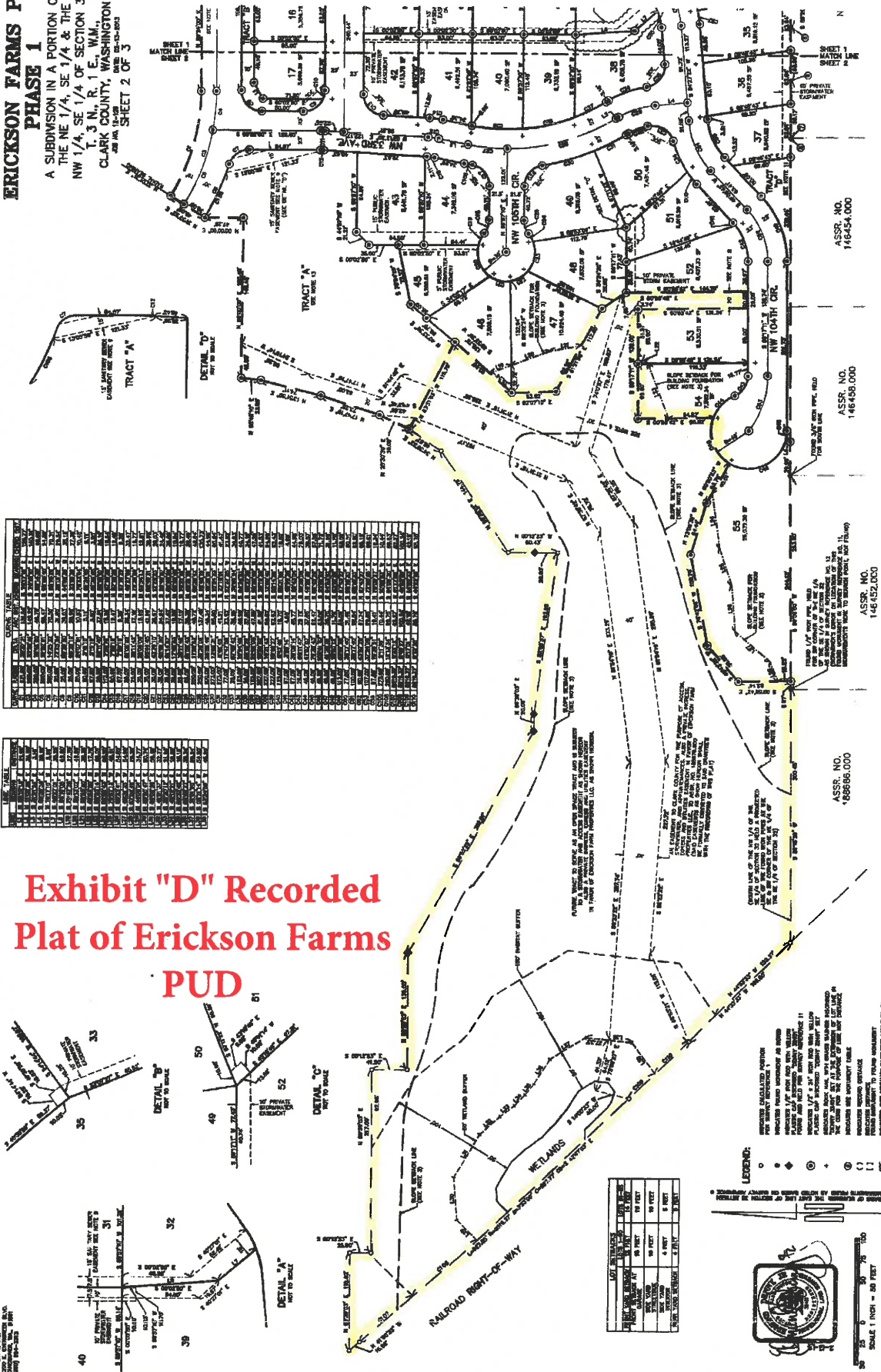
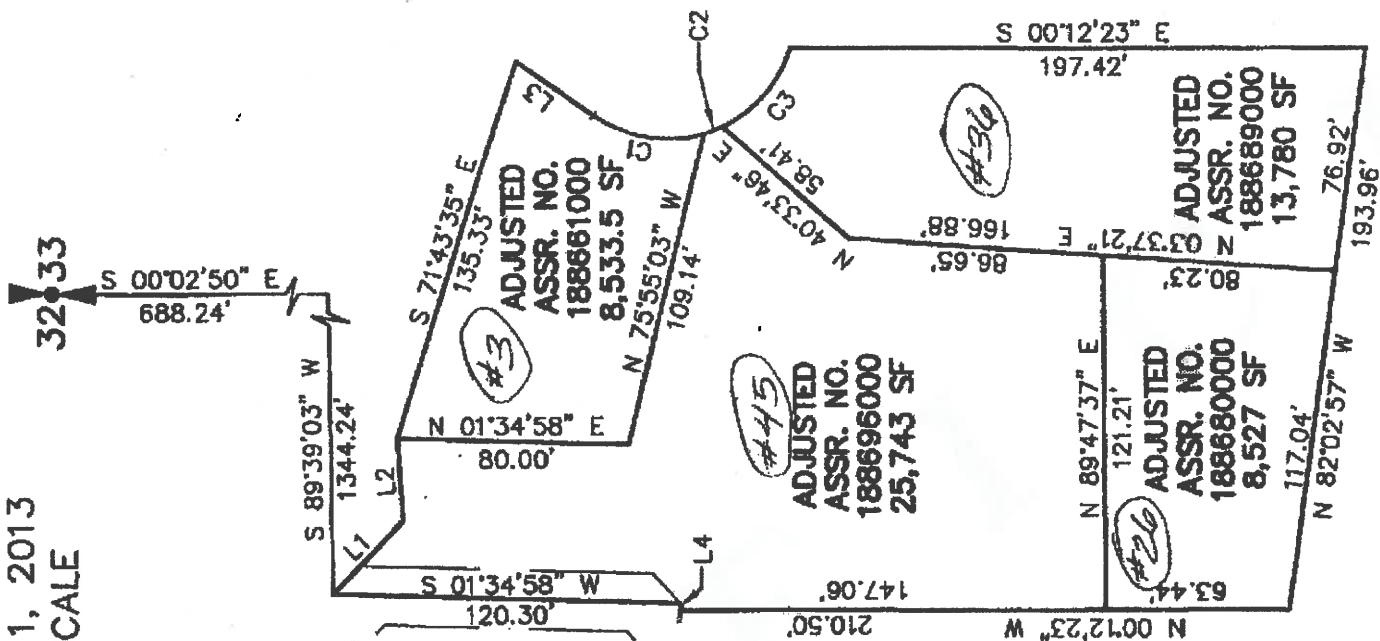
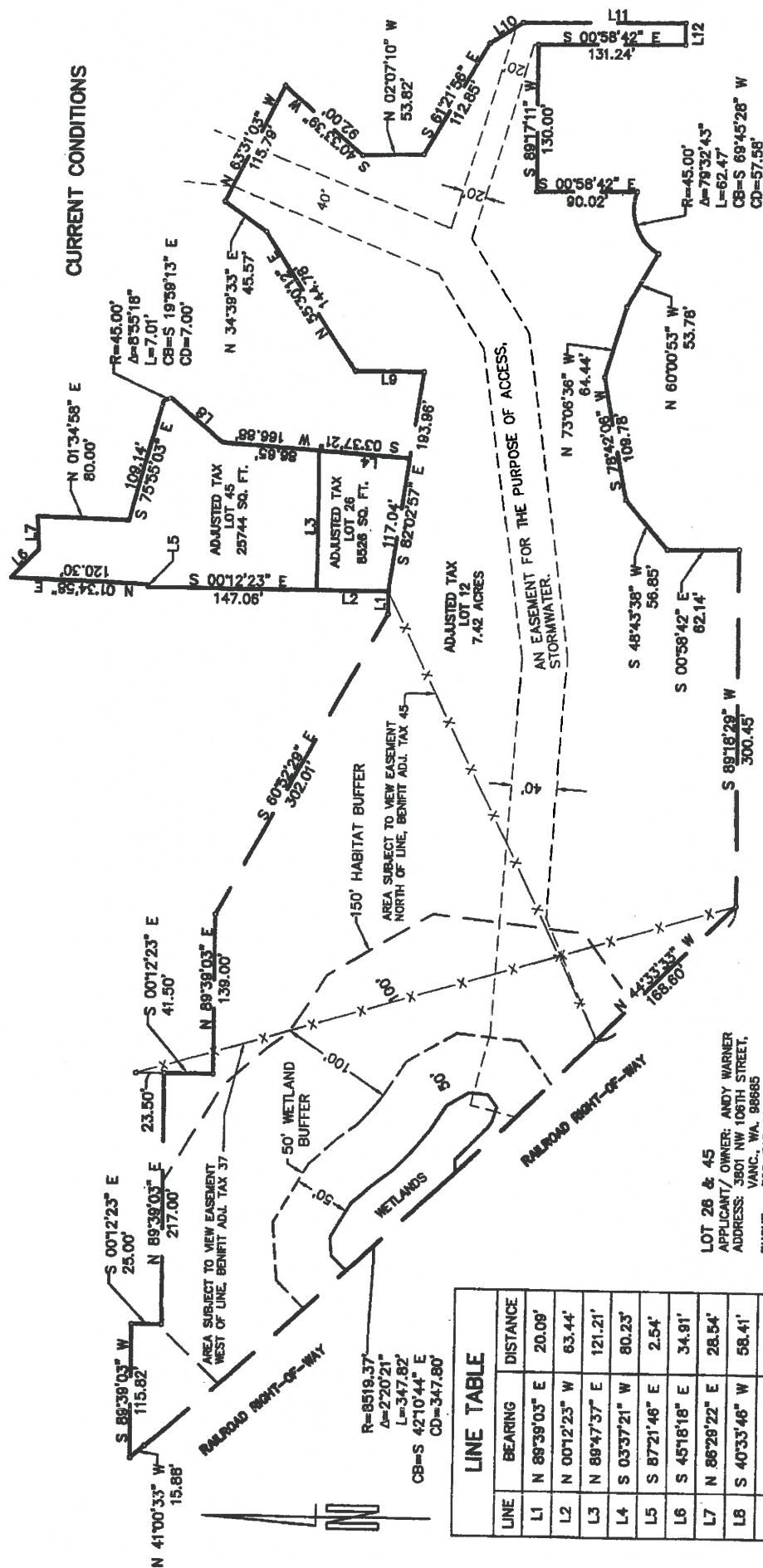
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Exhibit "E" 2013 BLA Cofiguration

JOB NO: 13-108
NOVEMBER 1, 2013
NOT TO SCALE



LINE TABLE		
LINE	LENGTH	BEARING
L1	34.91'	S 45°18'18" E
L2	28.54'	N 86°29'22" E
L3	32.03'	S 34°59'08" W
L4	2.54'	S 87°21'46" E



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 89°39'03" E	20.09'
L2	N 00°12'23" W	63.44'
L3	N 89°47'37" E	121.21'
L4	S 03°37'21" W	80.23'
L5	S 87°21'48" E	2.54'
L6	S 45°18'18" E	34.91'
L7	N 86°28'22" E	28.54'
L8	S 40°33'48" W	58.41'
L9	N 00°12'23" W	60.43'
L10	S 34°24'20" E	33.95'
L11	S 00°58'42" E	144.78'
L12	N 89°17'11" E	20.00'

LEGEND:

—X— INDICATES VIEW EASEMENT LINE

Exhibit "F"

Current 2017 Configuration

Current 2017

Configuration

LOT 28 & 45
APPLICANT/ OWNER: ANDY WARNER
ADDRESS: 3801 NW 106TH STREET,
VANC. WA. 98685
PHONE: 360-518-5964

LOT 12
APPLICANT/ OWNER: LEGACY LANDS CLARK COUNTY, WA.
CONTACT: PAT LEE
ADDRESS: 1300 FRANKLIN STREET
VANC., WA. 98660
PHONE: 360-397-2121 EXT. 4070

Exhibit "G" Express Council Intent Staff Report

CLARK COUNTY STAFF REPORT

DEPARTMENT: Public Works / Parks

DATE: March 28, 2017

REQUESTED ACTION: Express Council intent to accept the dedication of AP #188669-000, an undevelopable tract, from Lake Shore Development, at time of final plat approval and recording of PLD 2005-00037/PUD 2005-00003. Authorize staff to pursue the process to trade a real property interest in 2.9 acres of AP #188669-000, once in county ownership, to abutting parcels owned by Andrew Joe and Debbie Erickson Warner, in order to obtain a County real property interest in 7.0 acre AP #188676-000, owned by Erickson Farm Properties, LLC.

☒ Consent ☐ Hearing ☐ County Manager

PUBLIC WORKS GOALS:

- ☐ Provide safe and efficient transportation systems in Clark County
- ☒ Create and maintain a vibrant system of parks, trails and green spaces
- ☒ Continue responsible stewardship of public funds
- ☒ Promote family-wage job creation and economic development to support a thriving community
- ☒ Maintain a healthy, desirable quality of life
- ☐ Increase partnerships and foster an engaged, informed community
- ☐ Cultivate a nimble, responsive work force
- ☐ Make Public Works a great place to work

The primary objective of this action is to consolidate public ownership of land around Vancouver Lake, with a future goal of building a public loop trail around the lake.

BACKGROUND

On March 14, 2006, Hearings Examiner Joe Turner published a Final Order approving, with conditions, PLD 2005-00037, a preliminary plat for a 148-lot subdivision and associated permit reviews, and PUD 2005-00003, a planned unit development on a 51.22-acre site, known as Erickson Farms. The developer, Lake Shore Development, is nearing completion of all required terms and conditions and hopes to receive approval and record the final subdivision shortly.

Findings 5 through 8 of the final order address the disposition of a 9.2-acre open space Tract A. This area contains a forested ravine within the western portion and a stormwater facility within the northern portion. Within the tract, the applicant is required to develop an informal play field, a neighborhood park with picnic and play areas, and a trail. Condition B-2 of the final order stipulates that all landscaping improvements shall be constructed and installed prior to final plat approval and recording. Condition B-3 stipulates that the applicant shall form a homeowners association to, in part, maintain the common open space, including all proposed tracts, and references Finding 8 of the final order.

Reading conditions B-2, B-3 and Finding 8 in conjunction with Finding 7, the final order provides an alternative to maintenance of the common open space by a homeowners association. Finding subsection 7(b) of the order stipulates that the maintenance responsibility may also be undertaken by

PW17-035

ngm
OK

a "...public agency which agrees to maintain the common open space and any buildings, structures, or other improvements which have been placed on it..."

Since PLD 2005-00037/PUD-00003 was approved, the 9.2-acre open space Tract A has been divided into three distinct tax parcels. These include:

- AP #986032-591, 0.46-acres, owned by the Erickson Farms Homeowners Association that includes the local park improvements;
- AP #986031-167, 1.28 acres, owned by the County Clean Water Program that includes a stormwater facility; and
- AP #188699-000, 7.42 acres, still under the ownership of Lake Shore Development. This parcel either has to be dedicated to the homeowners association, or a public entity, in order to complete and record the final plat. The property owner has expressed a strong preference to dedicate this to the County, rather than the homeowners association.

COUNCIL POLICY IMPLICATIONS

The Board of County Councilors accepts all final plats prior to recording. Implicit in many recorded plats are notes requiring dedication of specific parcels to the county for long-term maintenance and management. The first part of the requested action, to express intent to accept dedication of AP #188699-000 as part of final plat approval and recording, is consistent with current Council policy. Once a final plat is recorded, it enables housing and commercial construction to begin, supporting economic development objectives.

The second part of the requested action, while consistent with current Council policy, is a bit more complex. Staff wants to be sure Council fully understands the policy objectives and provides authorization to proceed, prior to moving forward with additional actions. The primary policy objective of the land trade is to consolidate public ownership of land around Vancouver Lake. Once this occurs, it may be possible to pursue development of a public trail loop around the Lake, in addition to protecting shoreline habitat.

Two maps are attached to this staff report: one showing the existing land ownership and the second showing proposed ownership that would be brought about by the land trade. As shown in the maps, if AP #188676-000, currently owned by Erickson Farm Properties, LLC, is acquired by the county, it would close a critical gap in public ownership along the Vancouver Lake shoreline. The Assessor currently values the parcel at \$16,821. The land trade presents an opportunity to acquire the parcel at no cost to the county. Following is an explanation of the process through which the objective may be achieved:

Andrew Joe Warner is the president of Lake Shore Development Corporation, owner of AP #188699-000, a construction contractor registered with the Washington Department of Labor and Industries (Unified Business Identifier UBI 602287321). Andrew Joe Warner and Debbie Erickson Warner, husband and wife, own four parcels on the north side of the ravine in AP #188699-000 including AP #s 188680-000, 188690-000, 188696-000 and 188697-000. Andrew, on behalf of he and his wife, approached the county expressing an interest in obtaining ownership of approximately 2.9 acres of AP #188699-000 abutting their properties, once under county ownership, to buffer their properties from the county property and maintain views from their properties. As compensation for this real property interest, Erickson Farm Properties, LLC, (WA Secretary of State UBI 602195447), of which Debbie Erickson is a governor, will convey title to AP #188676-000, a 7-acre parcel on the Vancouver Lake shoreline, to the county, at no cost to the county.

The Board of County Councilors may authorize land trades per section 2.33A of the County Code. Staff believes the contemplated land trade of 2.9 acres qualifies under Section 2.33A.180(6) as an unmarketable parcel that may be disposed of by private negotiation.

"2.33.180(6) Unmarketable Parcels. A parcel of surplus real property, which in and of itself would have little utilitarian value because of its size or shape, may be offered and sold to owners of adjoining properties by private negotiation."

AP #188699-000 is an undevelopable open space tract to which the Assessor assigns \$0.00 market value. Should to Board of County Councilors approve the final plat for PLD 2005-0037/PUD 2005-00003 and accept dedication of AP #188699-000, staff would pursue a boundary line adjustment with Andrew J. and Debbie E. Warner conveying title of the 2.9 acres of AP #188699-000 to them to expand the size of one or more of their parcels. No additional buildable lots would be created.

Prior to, or simultaneous with, the recording of the boundary line adjustment, staff will record a deed to AP #188676-000, accepted by the Board of County Councilors, through which Erickson Farm Properties, LLC, will convey title to AP #188676-000 to the county.

ADMINISTRATIVE POLICY IMPLICATIONS

While Andrew Warner and Debbie Erickson Warner are corporate board members of Lake Shore Development Corporation and Erickson Farm Properties, LLC, respectively, and joint owners of four parcels abutting the open space tract, should the Board of County Councilors authorize staff to pursue the land trade, we will need to work closely with the Prosecuting Attorney's Office to be sure that both components of the land trade are conveyed with authorization of the full governing boards of the corporate entities.

COMMUNITY OUTREACH

None.

BUDGET IMPLICATIONS

YES	NO	
X		Action falls within existing budget capacity.
	X	Action falls within existing budget capacity but requires a change of purpose within existing appropriation
	X	Additional budget capacity is necessary and will be requested at the next supplemental. If YES, please complete the budget impact statement. If YES, this action will be referred to the county council with a recommendation from the county manager.

The primary budget implication of the requested actions is that Clark County Parks will assume maintenance responsibilities for approximately 14.2 acres of additional land. These are undeveloped lands that are unlikely to be developed in the next five years. Maintenance responsibility for many undevelopable tracts with environmental constraints and most of the shoreline parcels around the east side of Vancouver Lake are designated Legacy Lands with maintenance costs absorbed by the Conservation Futures Fund. Legacy Lands maintenance costs average \$75 per acre per year. That would amount to \$1,065 per year for the subject parcels. It is unlikely the land trade, if authorized by the Board of County Councilors, could be executed and recorded before the fourth quarter of 2017.

BUDGET DETAILS

Local Fund Dollar Amount	\$1,065 for the 2017-18 Biennium
Grant Fund Dollar Amount	NA
Account	Conservation Futures
Company Name	NA

ATTACHMENTS:

Existing Ownership Map

Proposed Ownership Map

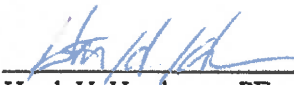
Hearings Examiner Final Order for PLD 2005-00037/PUD 2005-00003

DISTRIBUTION:

Board staff will post all staff reports to The Grid. <http://www.clark.wa.gov/thegrid/>



Bill Bjerke
Parks Division Manager



Heath H. Henderson, PE
Public Works Director/County Engineer


APPROVED: _____
CLARK COUNTY, WASHINGTON
BOARD OF COUNTY COUNCILORS

DATE: 3-28-17

SR# SR 072-17

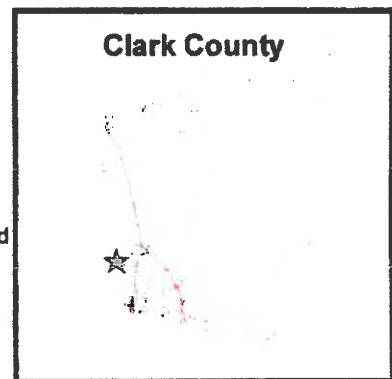


APPROVED: _____
Mark McCauley, County Manager

DATE: _____



Author: Hunter Decker Date: 3/1/2017





Erickson Farms Land Trade

Proposed Ownerships

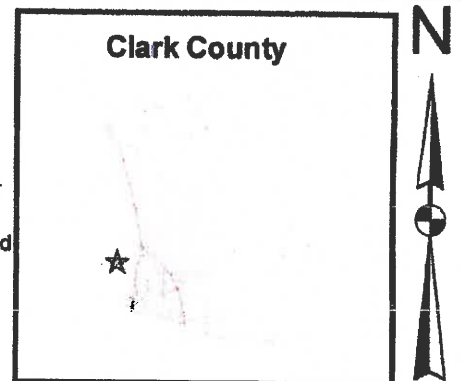


Map Legend

Clean Water (CW)	Port Of Vancouver (POV)	Arterial
Home Owners Association (HOA)	Private (PRI)	Minor
Legacy Lands (LL)	Warner Erickson (WE)	Private, Other
Clark County Taxlots	BNSF Railroad	

Author: Hunter Decker

Date: 3/1/2017



Property Exchange: Parcel No. 188676-000 and Parcel No. 188680-000

Public Works Parks and Lands Division



REQUESTED ACTION

Approve a resolution to 1) accept a quit claim deed transferring a 4.0-acre parcel from Andrew J Warner and Debbie Erickson-Warner to Clark County, and 2) execute a quit claim deed transferring a 2.88-acre parcel from Clark County to Andrew J. Warner and Debbie Erickson-Warner



Background

- In March 2017, the Clark County Council approved Staff Report No. 072-17 authorizing staff to pursue a land trade between Clark County, Erickson Farm Properties, LLC, and Andrew J. Warner and Debbie Erickson-Warner.
 - The land trade would consolidate public ownership of land around Vancouver Lake, allowing for the development of a public trail loop around the lake
- Clark County accepted dedication of a 7.42-acre parcel and approved Boundary Line Adjustment, creating an adjusted 2.88-acre parcel for conveyance to Andrew J. and Debbie Erickson-Warner.
- In April 2020, Erickson Farm Properties, LLC transferred the interest in the 7.42-acre parcel to Andrew J. and Debbie Erickson-Warner to facilitate the exchange.



Property Exchange

- The requested action would complete the land exchange by:
 - Transferring Parcel No. 188676-000 from Andrew J. and Debbie Erickson-Warner to Clark County; and
 - Transferring an adjusted 2.88-acre parcel (Parcel No. 188680-000) from Clark County to Andrew J. and Debbie Erickson-Warner.
- Property acquired by the county as part of this land exchange will be managed through the Legacy Lands program
- Maintenance expenses will be minimal and funded through Conservation Futures.



Parcels to be Exchanged

